

1 JOSEPH N. KRAVEC, JR. (*PRO HAC VICE*)
WYATT A. LISON
2 SPECTER SPECTER EVANS & MANOGUE PC
The 26th Floor Koppers Building
3 Pittsburgh, Pennsylvania 15219
Telephone: (412) 642-2300
4 Facsimile: (412) 642-2309
Email: jnk@ssem.com

5 JANET LINDNER SPIELBERG (221926)
6 LAW OFFICE OF JANET LINDNER SPIELBERG
12400 Wilshire Boulevard, Suite 400
7 Los Angeles, California 90025
Telephone: (310) 392-8801
8 Facsimile: (310) 278-5938

9 MICHAEL D. BRAUN (167416)
BRAUN LAW GROUP PC
10 12304 Santa Monica Boulevard, Suite 109
Los Angeles, California 90025
11 Telephone: (310) 442-7755
Facsimile: (310) 442-7756

12 IRA SPIRO (67641)
13 SPIRO MOSS BARNES, LLP
11377 West Olympic Boulevard, Fifth Floor
14 Los Angeles, California 90064-1683
Telephone: (310) 235-2468
15 Facsimile: (310) 235-2456

16 *Attorneys for Plaintiff and the proposed class*

17 FELICIA Y. FENG (184346)
MCKENNA LONG & ALDRIDGE LLP
18 101 California Street, 41st Floor
San Francisco, California 94111
19 Telephone: (415) 267-4000
Facsimile: (415) 267-4198
20 Email: ffeng@mckennalong.com

21 DAVID L. BALSER (GA 035835)
(*PRO HAC VICE*)
22 NATHAN L. GARROWAY (GA 142194)
(*PRO HAC VICE*)
23 MCKENNA LONG & ALDRIDGE LLP
303 Peachtree Street, N.E., Suite 5300
24 Atlanta, GA 30308
Telephone: (404) 527-4000
25 Facsimile: (404) 527-4198
Email: dbalser@mckennalong.com
26 ngarroway@mckennalong.com

27 *Attorneys for Defendant ATT Mobility f/k/a Cingular*
Wireless LLC
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN C. KALTWASSER, on
behalf of himself and all others similarly
situated,

Plaintiffs,

v.

AT&T MOBILITY LLC f/k/a CINGULAR
WIRELESS LLC,

Defendant.

CASE NO. 5:07-cv-00411-JF

**FOURTH STIPULATION FOR ORDER
CHANGING TIME PURSUANT TO
NORTHERN DISTRICT LOCAL RULE 6-2**

STIPULATION

WHEREAS, Plaintiff Jonathan C. Kaltwasser ("Plaintiff") filed the above-entitled action in the United States District Court for the Northern District of California on January 22, 2007 and served Defendant on January 29, 2007;

WHEREAS, under applicable rules, prior Court order, and pursuant to the parties' previous stipulations, the Defendant responded to the Complaint by the filing of its Motion to Compel Arbitration and Dismiss Litigation Pursuant to the Federal Arbitration Act ("Motion") on October 1, 2007;

WHEREAS, a hearing on Defendant's Motion is scheduled for November 30, 2007;

WHEREAS, the present deadlines set forth in this case pursuant to the July 23, 2007 "Third Order Changing Time Pursuant to Northern District Local Rule 6-2" include a November 5, 2007 26(f) Report/Case Management Conference Statement/Initial Disclosures (collectively "26(f) Report") deadline and a November 16, 2007 Initial Case Management Conference;

WHEREAS, under Northern District Local Rule 6-2, parties may file a stipulation requesting an order changing time that would affect the date of an event or deadline already fixed by Court order;

WHEREAS, the parties believe that it would be most efficient to file the 26(f) Report and have the Case Management Conference after the decision on Defendant's Motion;

WHEREAS, Defendant would like to preserve its right to appeal and the right to move to seek a stay of discovery deadlines if its Motion is denied and Plaintiff would like to preserve his right to oppose any such motion;

WHEREAS, the parties request that the November 5, 2007 deadline for filing the 26(f) Report be adjourned to a date fourteen (14) days after an order denying Defendant's Motion (if any) and the November 16, 2007 Initial Case Management Conference be adjourned to a date fourteen (14) days after the deadline for filing the 26(f) Report without prejudice to Defendant seeking a stay of all proceedings pending appeal.

THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED THAT the deadline for the 26(f) Report scheduled for November 5, 2007 be adjourned to a date fourteen (14) days after an order denying Defendant's Motion (if any) and that the Initial Case Management Conference scheduled for November 16, 2007 be adjourned to a date fourteen (14) days after the deadline for filing the 26(f) Report.

s/ Michael D. Braun (w/ express permission)

Michael D. Braun (167416)
Braun Law Group PC
12304 Santa Monica Boulevard, Suite 109
Los Angeles, California 90025
Telephone: (310) 442-7755
Facsimile: (310) 442-7756

Joseph N. Kravec, Jr. (*PRO HAC VICE*)
Wyatt A. Lison
Specter Specter Evans & Manogue PC
The 26th Floor Koppers Building
Pittsburgh, Pennsylvania 15219
Telephone: (412) 642-2300
Facsimile: (412) 642-2309
Email: jnk@ssem.com

Janet Lindner Spielberg (221926)
Law Office of Janet Lindner Spielberg
12400 Wilshire Boulevard, Suite 400
Los Angeles, California 90025
Telephone: (310) 392-8801
Facsimile: (310) 278-5938

Ira Spiro (67641)
Spiro Moss Barness, LLP
11377 West Olympic Boulevard, Fifth Floor
Los Angeles, California 90064-1683
Telephone: (310) 235-2468
Facsimile: (310) 235-2456

Attorneys for Plaintiff and the proposed class

s/ Felicia Y. Feng

McKenna Long & Aldridge LLP
101 California Street, 41st Floor
San Francisco, California 94111
Telephone: (415) 267-4000
Facsimile: (415) 267-4198
Email: ffeng@mckennalong.com

David L. Balser (GA 035835)

(*PRO HAC VICE*)

Nathan L. Garroway (GA 142194)

(*PRO HAC VICE*)

McKenna Long & Aldridge LLP
303 Peachtree Street, N.E., Suite 5300
Atlanta, GA 30308

Telephone: (404) 527-4000

Facsimile: (404) 527-4198

Email: dbalser@mckennalong.com
ngarroway@mckennalong.com

*Attorneys for Defendant ATT Mobility f/k/a Cingular
Wireless LLC*

PROOF OF SERVICE

I am a citizen of the United States and employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 101 California Street, 41st Floor, San Francisco, California 94111.

On **October 29, 2007**, I electronically filed the:

***Fourth Stipulation for Order Changing Time Pursuant to
Northern District Local Rule 6-2; [Proposed] Order***

with the Clerk of the United States District Court - Northern District of California, via the Court's electronic court filing system (ECF). The Court will generate email notification to all attorneys of record participating in this case via ECF. Participating attorneys are:

David L. Balser, Esq., McKenna Long & Aldridge LLP
Nathan L. Garroway, Esq., McKenna Long & Aldridge LLP
Felicia Y. Feng, Esq., McKenna Long & Aldridge LLP
Ira Spiro, Esq., Spiro Moss Barnes & Barge, LLP
Michael David Braun, Esq., Braun Law Group PC
Joseph Kravec, Esq., Specter Specter Evans & Manogue PC

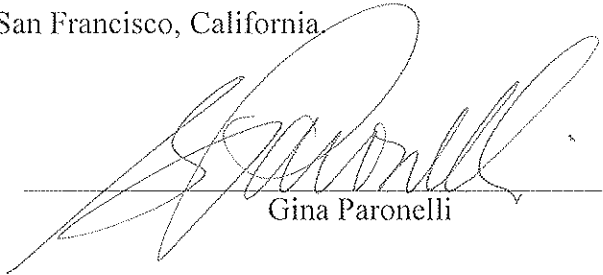
For those served by U.S. Mail, I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On this date I placed with this firm at the above address for deposit with the United States Postal Service, a true and correct copy of the documents stated above, in sealed envelopes, postage fully paid, addressed as follows:

Janet Lindner Spielberg, Esq.
Law Office of Janet Lindner Spielberg
12400 Wilshire Boulevard, Suite 400
Los Angeles, CA 90025

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

1 I declare under penalty of perjury under the laws of the State of California that the above
2 is true and correct.

3 Executed on **October 29, 2007**, at San Francisco, California.

4
5
6 
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gina Paronelli

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 JONATHAN C. KALTWASSER, on
5 behalf of himself and all others similarly
6 situated,

7 Plaintiffs,

8 v.

9 AT&T MOBILITY LLC f/k/a CINGULAR
10 WIRELESS LLC,


11 Defendant.

CASE NO. 5:07-cv-00411-JF

**[PROPOSED] FOURTH ORDER
CHANGING TIME PURSUANT TO
NORTHERN DISTRICT LOCAL RULE 6-2**

12 The following deadlines are adjourned: November 5, 2007 Fed. R. Civ. P. 26(f) Report
13 and November 16, 2007 Initial Case Management Conference. Parties are to file Fed. R. Civ. P.
14 26(f) Report fourteen (14) days after any order denying Defendant's Motion to Compel
15 Arbitration and Dismiss Litigation Pursuant to the Federal Arbitration Act ("Motion"). Parties
16 will notice an Initial Case Management Conference fourteen (14) days after the deadline for filing
17 the 26(f) Report, or as soon thereafter as the Court's schedule permits. Defendant preserves its
18 right to appeal and its right to move to seek a stay of all proceedings pending appeal if its Motion
19 is denied and Plaintiff preserves his right to oppose any such motion.

20 10/31/07

21 
22 Honorable Jeremy Fogel
23 United States District Court
24 Northern District of California

25 ATLANTA:4967085.2
26
27
28